IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 09/498,856	Confirmation No.	: 9387
Applicant	: Hiroshi ONISHI, et al.		
Filed	: February 4, 2000		
TC/A.U.	: 3661		
Examiner	: Micahel Zanelli		
Docket No.	: 381TO/41092CO		

Appeal No. 2002-2310

Customer No.	: 23911	
Title	: Automatic Transmission Control System for an Automobile	

APPELLANTS' REPLY TO SUPPLEMENTAL EXAMINER'S ANSWER

Mail Stop Appeal Brief   August 30, 2004
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following comments are submitted in response to the Supplemental Examiner's Answer dated June 29, 2004 regarding the above-identified appeal.

Claims 12-14 have been rejected under 35 U.S.C. §251 on the grounds that they attempt to recapture subject matter surrendered during prosecution of the original application.

For an understanding the issue raised by the Supplemental Examiner's Answer, Appellants make reference to Summary of the Invention set forth at pages 3 and 4 of the Appeal Brief, which succinctly describes the invention. The important point for present purposes is that the turbine torque estimation means 1004 simply selects one of two estimated turbine torque values 1014,1019, and

the selected value is used as the estimated turbine torque of the torque converter T_t (1022); the latter is then used by the load estimation means 110 to calculate an output torque of the automatic transmission and ultimately the load torque T_L. The key concept for present purposes is the distinction between the estimated input torque to the automatic transmission T_t and the output torque T_o of the transmission. It is the former which is determined by the claims of the present application, while the "output torque estimation means" contained in Claim 1 of the original application is clearly directed to the contents of block 110 in Figure 10.

Since the torque converter is disposed between the engine and the automatic transmission, it happens that the output from the torque converter (referred to as "turbine torque") is also the input to the automatic transmission. The claims of the present application are directed to the contents of block 108 in Figure 10, in which the turbine torque is determined by selecting either of the two estimated torque values 1014,1019, referred to previously. As can be seen, therefore, the subject matter of the present application is, as previously represented, simply different from that claimed in the issued patent.

In the "Recapture Analysis" at page 3 of the Supplemental Examiner's Answer, the Examiner states that Appellants' contention that the "input torque" of reissue Claims 12-14 is different from the "output torque" of the original

patent claims is contradicted by the Appellants' statement that the two torque values 1014,1019 represent <u>input</u> torque. This observation, however, misses the point.

The two torque values 1014,1019 are, as noted previously, alternative ways of calculating the input torque T_t to the automatic transmission. The turbine torque estimation means selects one or the other to be used as the torque value T_t. Thus, the two quantities 1014 and 1019 are indeed both (alternative) input torque values for the automatic transmission.

A careful reading of Claim 12 in the present application shows that it claims the contents of block 108 in Figure 10, while Claim 1 of the issued patent is directed principally to the contents of block 110. The "input torque value" T_t selected by the turbine torque estimation means is used as an input value for the torque input to the automatic transmission, while block 110 calculates the output torque T_o of the automatic transmission. The latter is then used to calculate the load torque T_L, and ultimately to control the automatic transmission, as indicated in Figure 1.

As can be seen from the foregoing, it is thus correct to refer to the torque values 1014 and 1019 as "the turbine output torque", which is the same as the input torque to the automatic transmission, because these components two are coupled in sequence in the drive train. The fact that the quantity T_t thus

represents "turbine torque" is neither inconsistent with nor exclusive of the proposition that it also represents the input torque to the automatic transmission, as noted previously.

Accordingly, for the reasons set forth hereinabove, as well as for the reasons set forth in the Appeal Brief, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the final rejection of Claims 12-14.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 381TO /41092CO).

Respectfully submitted,

Gary R. Edwards
Registration No. 31,824

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

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